

Government of Andhra Pradesh
A B S T R A C T

MA & UD Department – Kakinda Municipal Corporation –
Regularization of the services of Late Sri T.Ramachandra Rao,
NMR of the then Kakinada Municipality from the date anterior to
the date of demise – Orders – Issued.

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Municipal Administration & Urban Development Department

G.O.Rt.No. 1647

Dated:25-11-2008

Read the following:

1. From the Commissioner and Director, Municipal Administration, Hyderabad Letter Roc.No. 1325/2003/J3 dated 19.2.2007.
2. From the Commissioner and Director, Municipal Administration, Hyderabad Letter Roc.No. 1325/2003/J3 dated 27.11.2007 and 10.1.2008.
3. Government Memo No. 3467/D2/2007-6 MA&UD Department dated 18.04.2008.

ORDER:

The Commissioner and Director, Municipal Administration, Hyderabad has informed the Government that Smt. T.Sesha Sai W/O Sri T.Ramachandera Rao, NMR has filed a O.A.No. 833/2003 and the Hon'ble Tribunal in its orders dated 20.03.2006 passed the following order:

“ In these circumstances , this O.A is disposed of with a direction to the Respondents to issue orders regularizing the services of Late Sri T.Ramachandra Rao i.e. husband of applicant No.1 from the date anterior to the demise of husband of applicant No.1 and extend the benefits available to the individual who had their services regularized in terms of G.O.Ms.No. 1320, HMA&D dated 15.12.1981 to the survivors of Late Sri T.Ramachandra Rao in respect of retrial benefits including pension. In the circumstances it must also be held that it would be appropriate to consider the case of the next of kin of the deceased employee for compassionate appointment in accordance with the relevant Government orders obtaining at the time demise of the employee.”

2. The Commissioner and Director, Municipal Administration, Hyderabad has further informed that Sri T.Ramachandra Rao , NMR of the then Kakinada Municipality expired while the proposals for regularizing the services of certain NMRs including

Late Sri T.Ramachandra Rao who have completed 5 years of service in terms of G.O.Ms.No. 1320 ,HMA&UD dated 15.11.1981 were under consideration. Hence he has requested the Government to accord permission for regularizing his services against one of the posts of Public Health Maistry and release pensionary benefits to Smt. T.Sesha Sai W/O Late Sri T.Ramachandra Rao and also accord permission to consider compassionate employment to the daughter of the deceased. Government have examined the matter and rejected the proposal of the Commissioner and Director, Municipal Administration , Hyderabad as the same does not merit any consideration and the orders issued in G.O.Ms.No. 1320 MA dated 15.12.1981 were for the creation of equal number of posts for the regularization NMR workers who have fulfilled the requisite service by the cut off date or at a subsequent date. Though late Sri T.Ramachandra Rao was found eligible under the said Government order, his case was not considered as he demised before issue of orders of regularization. Further the orders issued in G.O.Ms.No. 118 Finance dated 18.8.1999 which came into effect from the date of its issuance , could not be made applicable to the said Sri T.Ramachandra Rao as the orders issued in the said G.O. shall not cover the prior cases and the regularization of services cannot be considered retrospectively, vide Government Memo No. 3467/D2/2007-6 MA&D dated 18.4.2008.

3. Aggrieved by the rejection Memo dated 18.04.2008 of the Government, Smt. T.Sesha Sai and Kum. T.Suvarchala Devi have filed a C.A.No. 442 /2008 for implementation of the Hon'ble Tribunal Order dated 20.3.2006 in O.A.No. 833/2003.

4. Government have filed a Writ Petition No. 20661/2008 in the Hon'ble A.P. High Court challenging the above orders of the Hon'ble Tribunal. The Hon'ble A.P. High Court passed the following order dated 23.9.2008 in the above W.P:

“ Having regard to the facts and circumstances of the case and in view of the fact that though T.Ramachandra Rao served the department for more than 23 years, his services were not regularized on account of the delay on administrative side and also due to his demise when his regularization proposals were pending, ends of justice would be met, if the petitioners are directed to pass appropriate orders for regularization of the services of T.Ramachendra Rao and for grant of retiral benefits, including pension, to the respondents, within a period of four weeks from today. In so far as the issue of compassionate appointment is concerned, it is open to the respondents to challenge the Memo No.

3467/D2/2007-6 Municipal Administration & Urban Development Department Dated 18.04.2008 by way of separate Original Application, if they are so advised. In view of the subsequent orders of the Government in G.O.Ms.No. 118 Finance Dated 18.08.1999, the action of the petitioners in rejecting the compassionate appointment even in the face of the impugned order, does not amount to contempt.”

5. Government after careful consideration of entire matter hereby accord permission to the Commissioner and Director of Municipal Administration, Hyderabad to regularize the services of Late Sri T.Ramachandra Rao, NMR of the then Kakinada Municipality in the post of public works Maistry with effect from 15.11.1980 and extend the benefits available to the individuals who had their services regularized in terms of G.O.Ms.No. 1320, HMA&UD dated 15.12.1981 to survivors of late Sri T.Ramachandra Rao in respect of retiral benefits including pension.

6. The expenditure on account of this orders shall be met from and within the budget of the Kakinada Municipal Corporation.

7. This order issues with the concurrence of the Finance Department vide their U.O.No. 32495-A/543/A/PC.III/08 Dated 18.11.2008.

8. The Commissioner and Director , Municipal Administration, Hyderabad shall take immediate necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**PUSHPA SUBRAHMANYAM
SECRETARY TO GOVERNMENT**

To
The Commissioner and Director,
Municipal Administration,
Hyderabad.
Copy to: The Commissioner,
Kakinada Municipal Corporation

// FORWARDED BY ORDER//

SECTION OFFICER